

FISCAL NOTE

SB 21 - HB 155

February 1, 2001

SUMMARY OF BILL: Enacts "The 2000 Presidential Election Debacle Reform Bill of 2001." The bill provides for the following:

1. Requires the state coordinator of elections and the state election commission (a) to approve any voting machine before a county election commission purchases the machine and (b) to reexamine all voting machines, before the 2002 election and at least every seven years, to ensure that the machines continue to meet criteria set out by state coordinator of election rules.
2. Requires election officials, in any county where punch card voting systems are used, to inspect punch cards for hanging or swinging chads after the vote has been cast but before the punch card is placed in the machine. Voters shall receive a notice before receiving their ballot instructing the voter to punch hard enough to remove chads completely from the ballot.
3. Authorizes the state coordinator of elections to promulgate rules and regulations concerning the proper use of punch card machines to ensure their maximum efficiency.
4. Provides for an automatic recount of all votes cast in any election where the person with the most votes and the next closest candidate are within one-half of one percent of the total votes cast in that contest on election day or after the absentee ballots have been counted. The deadline for the county election commission to certify the results of the recount shall be extended at least one week or can be further extended if deemed necessary by the state election commission.
5. Raises the criminal classification for a willful or fraudulent violation by officials of election laws, from a Class C misdemeanor to a Class E felony. The bill also raises from a Class C to a Class A misdemeanor, the criminal classification when an official illegally acts, or fails to act, in relation to an election, to the extent that ballots are lost, electors are deprived of their votes or the election is deemed void.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$2,300/Incarceration*
Increase Local Govt. Expenditures - Not Significant
Increase Local Govt. Revenues - Not Significant

Estimate assumes one Class E felony conviction every other year and additional Class A misdemeanor convictions. Impact of the misdemeanor convictions depends upon the number of persons convicted of this offense and the resulting increased revenues to local governments to confine such persons versus the increased revenues to local governments from fines levied and collected under provisions of this bill. However, such impact is not estimated to be significant.

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For informational purposes, it should be noted that significant local government expenditures relative to an automatic recount would be incurred only if a statewide recount were necessary. It is estimated that such cost could exceed \$250,000 if such recount was necessary. This estimate is based on an automatic recount by hand at an average cost of \$5,000 per recount for punchcard and optical scan counties and an average cost in all other counties of \$2,000. Such a recount would be a rare occurrence for a statewide election. Any local expenditures for an automatic recount at the local level in any given election are estimated to be not significant.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director